

**REMARKS**

Claim 67 is amended. Therefore, after entry of this amendment, claims 63-74 are pending.

Claim 67 has been amended to harmonize the numbering convention of the break points described throughout the specification as filed with the Sequence Identity listing. Applicants note that it is not necessary that the specification describe the claim limitations exactly, but only so clearly that persons of ordinary skill in the art will recognize from the disclosure that appellants invented processes including those limitations". *In re Wertheim*, 191 USPQ 90, 96 (CCPA 1976); *Ralston Purina Co. v. FarMar-Co., Inc.*, 227 USPQ 177, 179 (Fed. Cir. 1985)[stating that the test for support of the subject matter of a claim is whether the disclosure of an application "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *See Ralston Purina Co. v. FarMar-Co., Inc.*, 227 USPQ 177, 179 (Fed. Cir. 1985)(quoting *In re Kaslow*, 217 USPQ 1089, 1096 (Fed. Cir. 1983) (quoting *In re Kaslow*, 217 USPQ 1089, 1096 (Fed. Cir. 1983). Even the MPEP explicitly recognizes the principle that the "subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." *See* MPEP §2163.02.

The break points set forth in currently amended claim 67 are recited in original claim 38. The only difference is that original claim 38 employs the numbering convention of Figure 2 while amended claim 67 employs the numbering convention of SEQ ID No. 2. Thus, based on the original claims and specification, Applicants respectfully submit that the specification describes the break points of claim 67 sufficiently clearly that one of skill would immediately recognize that Applicants were in possession of the claims species at the time of filing.

Therefore, no new matter is added with this amendment.

**ELECTION OF SPECIES**

Applicants provisionally elect, under MPEP §803.02, a fragment complementation system having:

- (1) a first oligopeptide having amino acids 1-181 of SEQ ID No:2 (i.e. the 197/198 breakpoint);
- (2) a first interactor domain of *fos*;
- (3) a first oligopeptide having amino acids 182-263 of SEQ ID No:2 (i.e. the 197/198 breakpoint);
- (4) a first interactor domain of *jun*;
- (5) no signal peptide;
- (6) no complementation enhancement peptide;
- (7) a (Gly<sub>4</sub>Ser)<sub>3</sub> linker for both the N-terminal and C-terminal fragments;
- (8) the peptide is not bound to a thioredoxin protein; and
- (9) the N-terminal and C-terminal fragments combine only by non-covalent interaction.

The elected species reads upon claims 63, 65, 66, 67, and 71. Applicants understand that in making this provisional election of species, the Examiner will, as a preliminary matter, search the single species provisionally elected above. If no prior art is found that anticipates or renders obvious the elected species, Applicants expect the search to be extended "to the extent necessary to determine the patentability" of the claim. MPEP §803.02.

If the Examiner believes a phone call would expedite prosecution, the Examiner is invited to contact the undersigned at (858)350-6157.

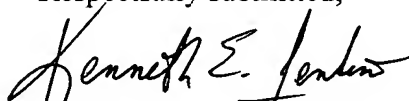
Appl. No. 10/668,778  
Amdt. dated March 1, 2005  
Reply to Office Action of February 8, 2005

PATENT

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,



Kenneth E. Jenkins, Ph.D.  
Reg. No. 51,846

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 858-350-6100  
Fax: 415-576-0300  
Attachments  
KEJ:jcf  
60433045 v1